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POLICY OF THE SECRETARY OF AGRICULTURE FOR THE ADMINISTRATION
OF THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT
(P.L. 566 - 83d Cong.; 68 Stat. 666),
as amended by the Act of August 7, 1956
(P. L. 1018, 84th Cong.; 70 Stat. 1088)

The Administrator of the Soil Conservation Service hereby is assigned responsibility for the administration of the Watershed Protection and Flood Prevention Act (P.L. 566 - 83d Cong.; 68 Stat. 666), as amended by the Act of August 7, 1956 (P.L. 1018, 84th Cong.; 70 Stat. 1088), except that administration of Section 8 of the Act, as amended, shall be a responsibility of the Administrator of the Farmers Home Administration.

The Administrator of the Soil Conservation Service shall discharge his responsibility:

- (1) subject to the general guidance and supervision of the Assistant Secretary of Agriculture for Federal-States Relations;
- (2) with careful regard for the language of the statute and provisions of the Regulations of the President (Executive Order 10584) applicable to it;
- (3) in accordance with the provisions of Title 9 of the Administrative Regulations of the Department of Agriculture; and
- (4) in harmony with the policies set forth herein.

The initiative for all projects under this legislation must come from the people of the locality where the proposed project is to be carried out.

The development of maximum initiative and responsibility by local organizations shall be given every appropriate encouragement. Because work to be undertaken has significance only as it relates to the present and future needs of people, careful attention in all cases will be given to the probable effect of any proposed watershed project upon the people to be affected by it.

Work undertaken and performed under this Act is to be to the fullest possible extent in harmony with other work of this Department, of other Departments of the Federal Government, and with work of State and local governments and private organizations.

Work undertaken is to be cooperative with the States, their political subdivisions, or any agency having authority under State law to carry out, maintain, and operate works of improvement authorized by the Act. Cooperative work will be undertaken so as to assure compliance with

State laws, and to achieve as fully as possible a coordinated effort toward accomplishing the objective of the Act.

In the preparation and execution of plans for works of improvement, fullest utilization is to be made of all available basic data pertinent to such works including geodetic, climatic, hydrologic, topographic, geologic, soils, land use and vegetal cover conditions. Such data will be utilized where applicable from whatever source it is available.

Assistance rendered will, among other things, be provided on the basis of its contribution toward an adequate water supply for our people, prevention of water waste, reduction of pollution, equitable distribution of available water supplies, prevention of floodwater and sediment damages, diminution of destructive force of water, and its contribution toward an enhancement of resources values in terms of wise use of resources to meet the needs of an expanding economy.

Water laws of the various States and all of the rights of any landowner, appropriator, or user of water from any source shall be fully honored in all respects as they may be affected by activities conducted under the Act.

Works of improvement shall be based on sound economic analysis. Costs shall be less than primary benefits. Benefits are to be assessed with care and are to be clearly creditable to the improvement. Secondary and intangible benefits should not be used for economic justification but may appropriately be used as argument for project justification or proposals for establishing equitable cost-sharing arrangements.

Works of improvement, including both land-treatment measures and structural measures, as may be needed for flood prevention or the conservation, development, utilization, and disposal of water will be planned for all lands within a watershed regardless of their ownership.

Flood prevention is defined as works of improvement installed for the purpose of reducing damage from floodwater, sediment, and erosion thus reducing losses of life, property, services, and other private and public values and which may also result in increased land productivity or enhancement from reduction of those flood hazards. To differentiate flood prevention from drainage on flat lands, the conveyance, control, and disposal of surface water caused by abnormally high direct precipitation or stream overflow is defined as flood prevention.

Drainage is defined as works of improvement installed for the purpose of lowering the water level in areas that under natural conditions are, or would be, swamps, marshes or lakes or in areas where normal precipitation, seepage, tidal action, or excess irrigation water, keeps soil too wet for sustained agricultural use.

The Administrator of the Soil Conservation Service will establish criteria for and assign on a national basis priorities for the furnishing of assistance to local organizations. In establishing such criteria and assigning such priorities he shall take cognizance of the work of other organizations, public and private, in the area of watershed protection and flood prevention.

It is the policy of the Department that there shall be the fullest possible cooperation with local, State and other Federal agencies which have responsibilities in the field of land and water management to the end that there may be a coordinated effort in this field.

Funds available under authority of the Act will be provided only for works of improvement producing direct measurable benefits to groups of landowners, to communities, and to the general public.

Federal assistance for land-treatment measures on land not in Federal ownership shall be limited to technical assistance required to complete the planning and application of such measures during the scheduled period for completion of the project supplemental to other program activities except that for the following measures, when their benefits are determined to be primarily but not exclusively for flood prevention and in excess of their costs, the installation costs may be paid for in part out of appropriations made under authority of the Act and, in accordance with Sec. 3 (4) of the Act, at rates not to exceed those for similar practices under existing national programs: (1) fire prevention and control, (2) critical area stabilization primarily by vegetative practices, (3) minor gully and channel stabilization measures, and (4) special purpose terraces and other on-farm measures used in lieu of downstream flood-prevention structures.

Operation and maintenance of all works of improvement installed on non-Federal land will be the responsibility of the local organization.

On Federal lands the land-treatment measures will be installed, operated and maintained by the agency administering such land. Funds available under the authority of the Act may be used to install, and to operate and maintain during the project installation period, land-treatment measures on Federal lands only to the extent necessary to complete the application of such needed measures provided for in approved work plans during the scheduled period for completion of the project.

The cost of installing, operating and maintaining other works of improvement on Federal land will be shared by the agency administering such land and the local organization in the same manner as if they were installed on non-Federal land in accordance with the criteria hereinafter stated.

After the project installation period, the operation and maintenance of works of improvement, including the cost of management, on Federal land shall be the responsibility of the Federal agency responsible for the management of such land using funds available under authorities other than the Act.

All appropriate agencies of the Department of Agriculture, and it is expected all State agencies, will make available to local organizations to the fullest practicable extent and commensurate with their regular responsibilities such technical assistance and information as may be necessary to development of work plans, installation of works of improvement, and application of land-treatment measures.

Prior to receiving Federal assistance in the installation of works of improvement on non-Federal land, the local organization will:

- (1) provide assurance that it can meet the financial obligations involved in the installation of works of improvement as shown in the work plan;
- (2) furnish documentary evidence that arrangements have been made to assure the adequate operation and maintenance of such works;
- (3) acquire or provide evidence that landowners or water users have acquired in accordance with any applicable State laws such water rights as are needed in the installation and operation of works of improvement;
- (4) provide assurance that structural works of improvement will be installed, operated, and maintained in accordance with any applicable State laws;
- (5) provide for informing landowners and others participating in the plan and its effectuation of their responsibilities for compliance with applicable State and Federal laws;
- (6) provide documentary evidence of acquisition of land, easements, and rights-of-way necessary to the installation of proposed works of improvement; and
- (7) submit a satisfactory plan of repayment for any loan or advancement made under the provisions of Section 8 of the Act.

Prior to providing Federal assistance in the installation of works of improvement, the Administrator of the Soil Conservation Service shall approve or disapprove those plans for works of improvement which are not required to be transmitted to the Congress through the President and shall recommend approval or disapproval of those plans which under terms of the Act are to be transmitted to the Congress.

The provisions of Sec. 211 of the Agricultural Act of 1956 (Public Law 540, 84th Congress; 70 Stat. 188) shall apply to any land newly irrigated or drained as a part of a project carried out under authority of the Watershed Protection and Flood Prevention Act.

It is the policy of the Department that the local organization will assume that part of the installation cost of structural works of improvement allocated to the agricultural phases of the conservation, development, utilization, and disposal of water which is equal to the ratio of direct identifiable benefits to total benefits produced by such works of improvement. The local organization will not be required to assume any part of the construction cost or cost of engineering services for structural works of improvement allocated to flood prevention. The local organization will be required to assume all installation costs, including engineering services costs, for purposes other than flood prevention, and the agricultural phases of the conservation, development, utilization, and disposal of water. Where a single work of improvement is planned to serve more than one purpose, an allocation of costs to each of the purposes shall be made, and the local organization shall bear its share of the costs allocated to each purpose in accordance with the foregoing criteria.

If the costs allocated to the local organization for the agricultural phases of the conservation, development, utilization, and disposal of water on the basis of direct identifiable monetary benefits appear inequitable in consideration of intangible or other public non-measurable benefits, such benefits will be taken into account in reaching agreements on cost sharing, but in no event will the Federal share of the cost exceed the equivalent Federal assistance available for other similar project-type programs. Direct identifiable benefits are those benefits accruing to individuals or organizations that would normally be required to pay special assessments or taxes for such benefits.

In accordance with the stipulations and policies herein set forth, the Administrator of the Soil Conservation Service will establish procedures for receiving and approving applications for assistance; determine and define measures eligible for assistance under the Act; establish standards for work plan development, program justification and cost sharing; assign planning priorities on a national basis; inform and cooperate with other Federal agencies in providing authorized Federal assistance; cooperate with designated State agencies or Governors in carrying out their responsibilities; assist local organizations in planning and carrying out works of improvement; prescribe such regulations as may be required for operation and maintenance by local organizations; and take such other action as is necessary to carrying out the provisions of the Act, except with respect to the provisions of Section 8.

The Administrator of the Farmers Home Administration shall be responsible for carrying out the authority to make loans or advancements as contained in Section 8 of the Act. However, no loans or advancements shall be made under the provisions of the Act until the Administrator of the Soil Conservation Service and the local organization have agreed on a plan for works of improvement and, if required, the plan has been approved by the appropriate committees of the Congress.

The Administrator of the Farmers Home Administration shall discharge his responsibilities with respect to the provisions of Section 8 of the Act:

1. Subject to the approval of the general credit policies for loans or advancements under the Act by the Director, Agricultural Credit Services.
2. In harmony with the policies contained in this statement.
3. Subject to working agreements entered into with the Administrator of the Soil Conservation Service covering the methods to be employed in coordinating the assigned responsibilities of the Soil Conservation Service and the Farmers Home Administration.

Approved: /s/ E. L. Peterson
Assistant Secretary

Date: September 17, 1956



